

SENATE JOINT RESOLUTION 475

By Kelsey

A RESOLUTION to propose an amendment to Sections 3 and 7 of Article VI and Section 5 of Article VII of the Constitution of Tennessee, to provide for appointment and confirmation of certain judges.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed:

That Article VI, Section 3, of the Constitution of Tennessee be amended by deleting the section in its entirety and by substituting instead the following:

(a) Each Judge of the Supreme Court, Court of Appeals and Court of Criminal Appeals shall be appointed by the Governor, subject to confirmation by a majority of all the members to which the Senate is entitled. Each Judge shall be at least thirty-five years of age, licensed to practice law in the state, and shall have been a resident of the state for the five-year period immediately preceding the appointment.

(b) An appointment made during an annual session of the General Assembly must, in order to become effective, be confirmed prior to the sixtieth calendar day following the appointment. An appointment made during the interim between annual sessions of the General Assembly must, in order to become effective, be confirmed prior to the sixtieth calendar day following the convening date of the next annual session of the General Assembly.

(c) If confirmation of an appointment does not occur prior to the deadline established for such appointment by subsection (b), then the Governor shall

appoint another qualified person, subject to confirmation in accordance with subsection (b).

(d) Except as otherwise provided in subsection (e), the term of service of each Judge of the Supreme Court, Court of Appeals or Court of Criminal Appeals shall be eight years, but any appointment to fill a midterm vacancy shall be for the remainder of the unexpired term.

(e) The terms of service for each Judge of the Supreme Court, Court of Appeals or Court of Criminal Appeals elected in August of 2014 shall expire on September 1, 2016. The Judges of the Supreme Court appointed for a term to commence on September 1, 2016, shall be classified into five separate categories accordingly: (1) East Division; (2) Middle Division; (3) West Division; (4) At Large Division One; and (5) At Large Division Two. Judges appointed for the initial term commencing on September 1, 2016, classified as:

- (1) Categories (1) and (4) shall hold office for a four year term;
- (2) Categories (3) and (5) shall hold office for a six year term; and
- (3) Category (2) shall hold office for an eight year term;

thereafter, the term of service of all Judges of the Supreme Court shall be eight years, commencing from September 1 of the appropriate year.

(f) The General Assembly is authorized to prescribe such rules as may be necessary to implement the provisions of sections two and three of this article. And that Article VI, Section 7, of the Constitution of Tennessee be amended by deleting the language "shall not be increased or diminished during the time for which they are elected" and by substituting instead the following:

shall not be increased or diminished during the time for which they are appointed or elected

And that Article VII, Section 5, of the Constitution of Tennessee be amended by deleting the language "Elections for judicial and other civil officers shall be held on the first Thursday in August" and by substituting instead the following:

Elections for judicial officers (excluding those appointed under Section 3 of Article VI) and other civil officers shall be held on the first Thursday in August

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Eighth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the senate is directed to deliver a copy of this resolution to the secretary of state and to the director of the office of legislative information services.